

Attorney's Docket No.: 18329-004004

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JAN 20 2005

Number of pages including this page 8

Applicant : Sandeep Gulati
Serial No. : 10/677,403
Filed : October 1, 2003

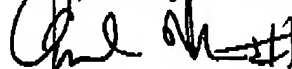
Art Unit : 1637
Examiner : Young J. Kim

Title : Interferometric Technique For Quantitating Biological Indicators

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet are an Information Disclosure Statement, copy of International Search Report, and Form PTO-1449, faxed this 20th day of January, 2005, to the United States Patent and Trademark Office.

Respectfully submitted,



Carl A. Kukkonen, III
Reg. No. 42,773

Date: January 20, 2005

Fish & Richardson P.C.
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10476464.doc

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Attorney's Docket No.: 18329-004004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Sandeep Gulati
Serial No. : 10/677,403
Filed : October 1, 2003
Title : INTERFEROMETRIC TECHNIQUE FOR QUANTITATING BIOLOGICAL
INDICATORS

Art Unit : 1637
Examiner : Young J. Kim

JAN 20 2005

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request consideration of the references listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request. A copy of a communication from a foreign patent office in a counterpart application is also enclosed.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. I, the undersigned, hereby certify that each item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application, the communication being dated December 15, 2004, which is not more than three months prior to the filing of this statement.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission

Signature

Veronica Whalen

Typed or Printed Name of Person Signing Certificate

Applicant : Sandeep Gulati
Serial No. : 10/677,403
Filed : October 1, 2003
Page : 2 of 2

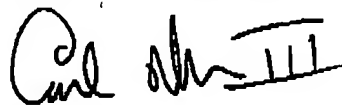
Attorney's Docket No.: 18329-004004

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

1-20-05



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Sheet 1 of 1

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 18329-004004	Application No. 10/677,403
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Sandeep Gulati	
		Filing Date October 1, 2003	Group Art Unit 1637

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6,136,541	10/24/00	Gulati			
	AB	6,142,681	11/7/00	Gulati			
	AC	5,784,162	7/21/98	Cabib et al			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute Disclosure Form (PTO-1449)

PATENT COOPERATION TREATY

CAR

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:

KUKKONEN, III Carl A.
2400 Lincoln Avenue
Altadena, CA 91001
UNITED STATES OF AMERICA

18329-008401

Date of mailing
(day/month/year)

15/12/2004

Applicant's or agent's file reference

VIALOPCT-05

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/US 03/21525

International filing date
(day/month/year)

09/07/2003

Applicant

VIALOGY CORP.

LOCKETED BY PRACTICE SYSTEMS
ACTION CODE: FOR ART
BASE DATE: 12/15/04
DUE DATE: 1/15/05
DEADLINE: 1/15/05

IN 008001

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

Due Date: 1/15/05
Deadline: 3/15/05
Initials: VW

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

European Patent Office, P.O. 5018 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Selwa Harris

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference VIALOPCT-05	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 03/21525	International filing date (day/month/year) 09/07/2003	(Earliest) Priority Date (day/month/year) 09/07/2002
Applicant VIALOGY CORP.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ Certain claims were found unsearchable (See Box I).
3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 1

- ☒ as suggested by the applicant. ☐ None of the figures.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.

Form PCT/ISA/210 (first sheet) (July 1998)

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/21525

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G06F19/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G06F C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, INSPEC, IBM-TDB

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 136 541 A (GULATI SANDEEP) 24 October 2000 (2000-10-24) cited in the application column 7, line 30 - column 8, line 33 column 10, line 13 - column 27, line 5 figures 2-5	1-64
X	US 6 142 681 A (GULATI SANDEEP) 7 November 2000 (2000-11-07) cited in the application abstract column 1, line 64 - column 3, line 27 column 6, line 21 - column 8, line 9 figures 1-3	1-64
A	US 5 784 162 A (BUCKWALD ROBERT A ET AL) 21 July 1998 (1998-07-21) column 1, line 13 - column 6, line 62 figures 1,2	

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubt on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

S document member of the same patent family

Date of the actual completion of the international search

7 December 2004

Date of mailing of the international search report

15/12/2004

Name and mailing address of the ISA

European Patent Office, P.O. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Godzina, P

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/21525

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6136541	A	24-10-2000	AT 280415 T 15-11-2004
			AU 5585900 A 21-09-2000
			DE 60015075 D1 25-11-2004
			EP 1145181 A2 17-10-2001
			EP 1406201 A2 07-04-2004
			WO 0052625 A2 08-09-2000
			US 2004111219 A1 10-06-2004
			US 2004064261 A1 01-04-2004
			US 6671625 B1 30-12-2003
US 6142681	A	07-11-2000	AT 280416 T 15-11-2004
			AU 3368600 A 14-09-2000
			DE 60015092 D1 25-11-2004
			EP 1157347 A2 28-11-2001
			EP 1406200 A2 07-04-2004
			WO 0051056 A2 31-08-2000
			US 2004063136 A1 01-04-2004
			US 6780589 B1 24-08-2004
US 5784162	A	21-07-1998	US 5539517 A 23-07-1996
			EP 0830564 A1 25-03-1998
			IL 121426 A 29-02-2000
			JP 11500832 T 19-01-1999
			JP 3280035 B2 30-04-2002
			US 6075599 A 13-06-2000
			WO 9721979 A1 19-06-1997
			US 6066459 A 23-05-2000
			US 6007996 A 28-12-1999
			US 6690817 B1 10-02-2004
			US 6556853 B1 29-04-2003
			US 6165734 A 26-12-2000
			US 5936731 A 10-08-1999
			US 5817462 A 06-10-1998
			US 2001033364 A1 25-10-2001
			US 5719024 A 17-02-1998
			US 5856871 A 05-01-1999
			US 5991028 A 23-11-1999
			US 5835214 A 10-11-1998
			US 5798262 A 25-08-1998
			US 6018587 A 25-01-2000
			US 6198532 B1 06-03-2001
			US 6055325 A 25-04-2000
			US 5912165 A 15-06-1999
			US 5906919 A 25-05-1999
			US 5995645 A 30-11-1999
			EP 0767361 A2 09-04-1997
			GR 3033470 T3 29-09-2000

Form PCTISA/210 (latest family annex) (January 2004)